

IN THE UNITED STATES BANKRUPTCY COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA

In Re: :Chapter 7
:
PERFORMANCE SPINE AND SPORTS :
MEDICINE OF NEWTOWN ,LLC :Bankruptcy No. 21-10378
Debtor :

**APPLICATION OF CHAPTER 7 TRUSTEE FOR AN ORDER AUTHORIZING THE
TRUSTEE TO EMPLOY ROBERT H. HOLBER, ESQUIRE AS COUNSEL PURSUANT
TO SECTION 327 AND 328 AND FED.R.BANKR.P.2014**

Robert H. Holber, Chapter 7 Trustee (the "Trustee") of the bankruptcy estate of Performance Spine and Sports Medicine of Newtown, LLC (the "Debtor") in the above-captioned Chapter 7 case, hereby files this Application (the "Application") for entry of an Order, pursuant to 11 U.S.C. Sections 327 and 328 and Fed.R.Bankr.P.2014, authorizing the employment of Robert H. Holber, Esquire ("Esquire") as counsel for the Trustee, effective as of the date of this Application. In support of the Application, the Trustee relies upon the Certification of Robert H. Holber (the "Holber Certification") attached hereto as Exhibit "A" and incorporated by reference, and respectfully represents as follows:

1. On February 16, 2021, the Debtor filed a voluntary petition for relief under Chapter 7 of Title of the United States Code (the "Bankruptcy Code").

2. Thereafter, the Office of the United States Trustee appointed Robert H. Holber as Chapter 7 Trustee of the Debtor's estate.

3. The Trustee has selected Robert H. Holber, Esquire as his counsel and requested that it immediately commence work on his behalf. Through this Application, the Trustee seeks authority to employ Robert H. Holber, Esquire.

4. Holber has extensive experience and expertise in bankruptcy and reorganization proceedings. The trustee seeks the employment of Robert H. Holber, Esquire to represent him and perform services for the Trustee in connection with carrying out his fiduciary duties and responsibilities under the Bankruptcy Code consistent with Chapter 7.

5. The Trustee anticipates Robert H. Holber, Esquire will assist the Trustee and perform the following services in connection with its retention: (i) prepare and prosecute a motion to reject lease, employ auctioneer and to hold auction, prosecute

possible preference actions, prepare any necessary applications, answers, orders, reports and other legal papers; (ii) pursuing any claims or matters as the Trustee shall desire; and (iii) provide any and all other legal services for the Trustee which may be necessary or desirable in connection with this case.

6. Upon careful consideration of the facts and circumstances of this case, the Trustee believes that there are sufficient assets here that warrant the cost of engaging Robert H. Holber, Esquire in this matter. At this time, it appears that the Debtor has some encumbered cash made up of funds in a bank account. The Trustee is hopeful that the end result of his efforts in administering the case, hiring Robert H. Holber, Esquire and taking the actions noted above will yield a meaningful distribution to creditors under the circumstances of a Chapter 7 liquidation.

7. Robert H. Holber, Esquire has broad-based experience and a respected reputation in bankruptcy and reorganization proceedings. Through Robert H. Holber, Esquire, the Trustee will have the benefit of such knowledge and experience.

8. Subject to the approval of this court, Robert H. Holber, Esquire will charge the Trustee for its legal services on an hourly basis in accordance with its ordinary and customary rates, which are in effect on the date the services are rendered, subject to periodic adjustment as follows:

Robert H. Holber, Esquire	\$300.00 per hour
Paralegal services	\$100.00 per hour

In addition to the hourly rates previously referred to, Robert h. Holber, Esquire customarily charges clients for actual and necessary costs of support services the firm provides in connection with a representation, including, without limitation, court reporters, transcripts, computerized research, filing fees, photocopying charges, long distance telephone calls, facsimile transmissions, messengers, courier mail, temporary services, travel, lodging, and catering for meetings. Some of these services provided are provided by Robert H. Holber, Esquire, in which case the charges are set by Robert H. Holber, and others are provided by third party service providers, in which case the charges are set by the providers. Robert H. Holber, Esquire will charge the cost of expenses in a manner and at rates consistent with charges generally made to the form's other clients. All such charges for which Robert H. Holber, Esquire seeks payment are subject to Court approval and/or pursuant to any administrative procedures established by Order of the court.

9. The Trustee has been advised that Robert H. Holber,

Esquire will use every effort to staff the engagement in a cost-effective manner, including utilizing the firm's paralegal assistants to handle those aspects of the cases that can best be managed by a paralegal.


10. Based on the Holber certification, the Trustee believes that Robert H. Holber, Esquire does not hold any interest adverse to the Debtor's estate and, while employed by the Trustee, will not represent any person having an adverse interest in connection with this case.

11. The Trustee believes that the employment of Robert H. Holber, Esquire is necessary and in the best interests of the debtor's estate, enabling the Trustee to carry out his fiduciary duties owed to creditors under the Bankruptcy Code.

WHEREFORE, the Trustee respectfully requests the Court to enter the accompanying Order authorizing employment of Robert H. Holber, Esquire as counsel to the Trustee, pursuant to §§ 327 and 328 of the Bankruptcy Code, as well as Fed.R.Bankr.P.2014, with compensation and reimbursement of expenses to be paid pursuant to §§ 330 and 331 of the bankruptcy Code, and in accordance with applicable administrative procedures established by Order of this Court, if any, and for such other and further relief as the Court deems proper and just.

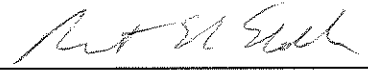
Dated: 4/20 , 2021

By:


Robert H. Holber
Chapter 7 Trustee

Dated: 4/20 , 2021

By:


Robert H. Holber, Esquire
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